

## **2. Response to § 112 Rejection**

Applicant has corrected a typographical error in claim 16 that gave rise to the antecedent basis rejection under § 112. Applicant submits that this correction overcomes the § 112 rejection.

## **3. Response to § 102(e) Rejection over Marino**

The Examiner rejected claims 1-7, 13, 14 and 25-29 as being anticipated by the Marino patent. Applicant respectfully traverses these rejections, because Marino fails to disclose each element of these claims.

Independent claims 1 and 25 each recite, in one way or another, the elements of (i) receiving a request to connect a call from an originating terminal to a destination terminal, where the request includes a destination identifier associated with the destination terminal, (ii) in response to the call request, providing at least one advertisement to a subscriber associated with the originating terminal, (iii) determining a free calling balance for the subscriber based on the destination identifier and based on providing the at least one advertisement to the subscriber, and (iv) monitoring the calling balance as the call progresses. Applicant respectfully submits that Marino fails to teach this combination of elements.

Marino discloses a system in which a caller dials a call, and the network then plays an advertisement for the caller to hear or see and then allows the dialed call to proceed at a reduced rate of charge or with automatic credit being given to the customer's account commensurate with the amount of ad content that the caller receives. As such, Marino discloses use of dialed digits as a key to determine that a caller is one who wants to receive a reduced rate for listening to

advertisements. However, Marino fails to teach the function of determining a free calling <sup>arg 1</sup>  
balance based on a destination identifier, as Applicant has claimed.

Because Marino does not teach all of the elements recited in either claim 1 or claim 25, Marino fails to anticipate those claims. M.P.E.P. § 2131. Further, because claims 2-7, 13, 14 and 26-29 depend ultimately from either claim 1 or claim 25 and therefore incorporate all of the elements of claim 1 or claim 25, Marino also fails to anticipate claims 2-7, 13, 14 and 26-29.

Additionally, dependent claims 4 and 5 specify that the step of determining the free calling balance includes the functions of determining a zone measure between the originating terminal and the destination terminal and determining a free calling time based on that zone measure. Marino fails to disclose determination and consideration of a zone measure as specified in claims 4 and 5. Thus, for this additional reason, Marino fails to anticipate claims 4  
and 5. <sup>arg 2</sup>

#### **4. Response to § 102(e) Rejection over Nakamura**

The Examiner rejected claims 1-3, 6-11, 15 and 25-29 as being anticipated by Nakamura. Under M.P.E.P. § 2131, a reference can anticipate a claim only if the reference describes, either expressly or inherently, each and every element set forth in the claim, arranged as required by the claim. Applicant respectfully traverses these rejections, because Nakamura fails to disclose all of the elements of any of claims 1-3, 6-11, 15 and 25-29 as required by § 2131.

Nakamura discloses many embodiments that relate to providing free calling time in response to a caller listing to advertising. But Applicant has not found in Nakamura the specific combination of elements recited in claim 1 or claim 25. In particular, Applicant has not found in Nakamura the combination of (i) providing an advertisement to an originating terminal *in*

*response to* receipt from the originating terminal of a call request seeking connection to a destination terminal *and* (ii) determining a free calling balance for the originating terminal based on the destination, i.e., based on a destination identifier provided in the call request.

In rejecting claim 1, the Examiner relied on column 9, lines 25-53 and 63-67, and column 10, lines 1-12, of Nakamura. However, Applicant submits that those passages of Nakamura, like the rest of Nakamura, fail to disclose the invention that is recited in Applicant's claims. Rather, those passages describe: a subscriber dialing directly into an advertising apparatus and listening to an ad for a fixed time, an exchange disconnecting the call to the advertising apparatus after that fixed time, the exchange imposing a commensurate charge on an advertiser, the exchange thereafter connecting the subscriber to a destination telephone number and allowing the connection to proceed for a time commensurate with the fixed time of the advertising heard by the subscriber, and the exchange again imposing a commensurate charge on the advertiser.

Absent from those passages is any description of the claimed combination of (i) playing out the advertisement to the subscriber in response to receipt from the subscriber of a call request that carries a destination identifier and (ii) determining a free calling balance based on the destination identifier.

Because Nakamura does not teach all of the elements recited in either claim 1 or claim 25, Nakamura fails to anticipate those claims. M.P.E.P. § 2131. Further, because claims 2-3, 6-11, 15 and 26-29 depend ultimately from either claim 1 or claim 25 and therefore incorporate all of the elements of claim 1 or claim 25, Nakamura also fails to anticipate claims 2-3, 6-11, 15 and 26-29.

## **5. Response to § 103(a) Rejection over Marino and Nakamura**

The Examiner rejected claims 12 and 16-24 as being obvious over a combination of Marino and Nakamura. Under M.P.E.P. § 2143.03, in order for a combination of references to render a claim obvious, the combination must teach or suggest all of the limitations of the claim.

- Applicant respectfully traverses these rejections, because the combination of Marino and
- Nakamura fails to disclose or suggest all of the limitations of any of claims 12 or 16-24.

In particular, as discussed above, both Marino and Nakamura fail to disclose the combination of elements of claim 1, from which claim 12 depends. And Applicant submits that the combination of Marino and Nakamura suffers from the same deficiency with respect to claim 1 as the references individually. Because claim 12 depends from claim 1 and incorporates all of the elements of claim 1, Applicant submits that the combination of Marino and Nakamura

- therefore fails to disclose the combination of elements of claim 12.

Independent claim 16 includes limitations similar to claim 1, such as (i) providing at least one advertisement to a subscriber after the subscriber submits a call request that includes a particular destination identifier, and (ii) determining a free calling balance for the subscriber based on the destination identifier. For the same reason that claim 1, and in turn, claim 12, patentably distinguish over the combination of Marino and Nakamura, Applicant submits that claim 16 patentably distinguishes over the combination of Marino and Nakamura.

Further, because claims 17-24 depend ultimately from claim 16 and therefore incorporate all of the elements of claim 16, Applicant submits that claims 17-24 also patentably distinguish over the combination of Marino and Nakamura.

**6. Conclusion**

In view of the foregoing, Applicants respectfully submit that all of the presently pending claims are now in condition for allowance, and Applicants respectfully request favorable reconsideration.

Respectfully submitted,

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**Marked up Claims  
Pursuant to 37 C.F.R. § 1.121**

1. (Amended) A method for advertising-supported communications in a telecommunications network, the method comprising:

receiving a call request to connect a call from an originating subscriber terminal to a destination subscriber terminal, the call request including a destination identifier associated with the destination subscriber terminal;

in response to the call request, providing at least one advertisement to a subscriber associated with the originating subscriber terminal;

determining a free calling balance for the subscriber based on the destination identifier and based on providing the at least one advertisement to the subscriber;

connecting the call from the originating subscriber terminal to the destination subscriber terminal; and

monitoring the free calling balance as the call progresses.

16. (Amended) A method for advertising supported communications in a telecommunications network, the method comprising:

receiving a call request to connect a call from an originating subscriber terminal to a destination subscriber terminal, the call request including a destination identifier associated with the destination subscriber terminal and further including a service code;

in response to the call request, determining whether a subscriber associated with the originating subscriber terminal is designated to receive advertising supported services; if so,

providing at least one advertisement to the subscriber;

determining a free calling balance for the subscriber based on the destination identifier and based on providing the at least one advertisement to the subscriber;

connecting the call from the originating subscriber terminal to the destination subscriber

terminal;

decrementing the free calling balance as the call progresses;

disconnecting the call from the originating subscriber terminal to the destination subscriber terminal;

determining whether any unused free calling balance is left; and, if so, discarding the any [used] unused free calling balance.

25. (Amended) A system for advertising-supported communications, the system comprising:

a first network entity for receiving a call request to connect a call from an originating subscriber terminal to a destination subscriber terminal, the call request including a destination identifier associated with the destination subscriber terminal;

a second network entity for providing at least one advertisement to a subscriber associated with the originating subscriber terminal, in response to the call request; and

a third network entity for determining a calling balance for the subscriber based on the destination identifier and based on providing the at least one advertisement to the subscriber and monitoring the calling balance when the call from the originating subscriber terminal is connected to the destination subscriber terminal.